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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RECEIVED

DEC 15 2020

CLERK, U.S. DISTRICT COURT  
WEST. DIST. OF PENNSYLVANIA

Name and address of Plaintiff:

Michael Ginyard Jr.  
Allegheny County Jail  
950 2nd Ave Pittsburgh, PA 15219

v.

2:20-cv-1947

Full name, title, and business address  
of each defendant in this action:1. Louis Del-Prete, Medical Clinic Manager at the Allegheny County Jail, 950 2nd Ave Pitt, PA 15219  
2. Laura K. Williams, Chief Deputy Warden of Health Care at the Allegheny County Jail, 950 2nd Ave Pitt, PA 152193. Allegheny Health Network, Medical Care Provider at the Allegheny County Jail, 950 2nd Ave Pitt, PA 15219Use additional sheets, if necessary  
Number each defendant.

Plaintiff brings this action against the above named and identified defendants on the following cause of action:

- I. Where are you now confined? Allegheny County Jail
- What sentence are you serving? Plead Guilty 2/28/19 Awaiting Federal Sentencing, County Probation detainee and Federal detainee
- What court imposed the sentence? Allegheny County Court of Common Pleas imposed Probation, U.S. District Court for the WDP will impose Federal sentence
- II. Previous Lawsuits

- A. Describe any and all lawsuits in which you are a plaintiff which deal with the same facts involved in this action. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit

Plaintiffs N/ADefendants N/A

2. Court (if federal court, name the district; if state court, name the county) and docket number

N/A

3. Name of judge to whom case was assigned N/A
4. Disposition (For example: Was the case dismissed? Was it appealed? Is it still pending?)  
N/A
5. Approximate date of filing lawsuit N/A
6. Approximate date of disposition N/A

B. Prior disciplinary proceedings which deal with the same facts involved in this action:

Where? N/A

When? N/A

Result: N/A

- III. What federal law do you claim was violated? Eighth Amendment, and Fourteenth Amendment, deliberate indifference to Medical care, serious medical need
- IV. Statement of Claim

(State here as briefly as possible the facts of your case. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheet if necessary.)

- A. Date of event: June 2020 -
- B. Place of event: Allegheny County Jail
- C. Persons involved--name each person and tell what that person did to you: Louis Del-Prete, Laura K. Williams and Allegheny County Jail Medical Care Provider (Allegheny Health Network) failed to timely provide me with medical care and acted with deliberate indifference after I submitted many sick call request, filed grievances, appealed grievance, appeal was deemed valid and exhausted all administrative remedies. It's been months I have been experiencing nerve pain in my feet and explained to medical I may be diabetic because I've had problems in the past with my glucose levels, and nerve pain in feet is a symptom of diabetes. I was told by medical that if diabetes

is not the source of my pain, the source would be found and addressed accordingly. For over four months Medical left me to suffer from pain after being aware of this issue

- V. Did the incident of which you complain occur in an institution or place of custody in this District?  
If so, where?

Allegheny County Jail, 950 2nd Ave  
Pittsburgh, PA 15219  
and answer the following questions:

- A. Is there a prisoner grievance procedure in this institution?  
Yes (☒) No ( )

- B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?  
Yes (☒) No ( )

- C. If your answer is YES,

1. What steps did you take? Filed grievance, then appealed grievance, and even though appeal was deemed valid I sent a grievance and letter to the Allegheny County Prison Board Oversight Committee
  2. What was the result? Initial grievance was deemed invalid, appeal was deemed valid and the ACPT Oversight Committee has not replied to me personally to date. On 10/13/2020 Finally called to clinic for H2C check. Have not received results to date and still having nerve pain.
- D. If your answer is NO, explain why not: \_\_\_\_\_

- E. If there is no prison grievance procedure in the institution, did you complain to prison authorities?  
Yes ( ) No ( )

- F. If your answer is YES,

1. What steps did you take? N/A
2. What was the result? N/A

VI. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Order defendants to provide Injunctive relief.

Order defendants to pay Compensatory Damages and Punitive Damages

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

10/25/2020  
(Date)

Michael Leonard pro-se 128748  
(Signature of Plaintiff)  
Allegheny County Jail  
950 2nd Ave  
Pittsburgh, PA 15219

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MICHAEL GINYARD JR

v.

LOUIS DEL-PRETE, LAURA K.  
WILLIAMS, ALLEGHENY HEALTH  
NETWORK

Civil Action No.

COMPLAINT

I. JURISDICTION & VENUE

1. This is a civil action authorized by 42 U.S.C. Section 1983 to redress the deprivation, under color of state law, of rights secured by the Constitution of the United States. The court has jurisdiction under 28 U.S.C. Section 1331 and 1343(a)(3). Plaintiff seeks declaratory relief pursuant to 28 U.S.C. Section 2201 and 2202. Plaintiff's claims for injunctive relief are authorized by 28 U.S.C. Section 2283 & 2284 and Rule 65 of the Federal Rules of Civil Procedure.
2. The U.S. District Court for the Western District of Pennsylvania is an appropriate venue under 28 U.S.C. Section 1391(b)(2) because it is where the events giving rise to this claim occurred.

II. PLAINTIFF

3. Plaintiff Michael Ginyard Jr. is and was at all times mentioned herein a prisoner of the Allegheny County in the Custody of the Allegheny County Bureau of Corrections. He is currently confined in the Allegheny County Jail in Pittsburgh, Pennsylvania.

### III. DEFENDANTS

4. Defendant Louis Del-Prete is the medical clinic manager of the Allegheny County Jail. He is legally responsible for the operation of the medical clinic and medical welfare of all inmates of that Jail.
5. Defendant Laura K. Williams is the Chief Deputy Warden of Health Care of the Allegheny County Jail. She is legally responsible for the medical welfare of all inmates of that Jail.
6. Defendant Allegheny Health Network is the health care provider of the Allegheny County Jail. They are legally responsible for the overall medical care of all inmates of that Jail. Each defendant is sued individually and his/her or their official capacity. At all times in this complaint each defendant acted under color of state law.

### IV. FACTS

7. Starting in early June of 2020 Plaintiff began to experience severe nerve pain in his feet. Due to this pain plaintiff proceeded to submit a sick call request in which he was told he would be seen soon to address this issue. After a few days of submitting his sick call his pain started to worsen so on 6/10/2020 at 8:35pm plaintiff pressed the intercom button in his cell to tell C.O. Laferver he was having severe pain in his feet and asked C.O. Laferver could he call medical. C.O. Laferver said Medical told him unless "I feel like he's gonna pass out we'll call him to clinic tomorrow."
8. On 6/11/2020 at 11:10 am plaintiff asked C.O. Dolce could he call medical because of the pain he was having in his feet. Medical said that Thursday is Female day and they currently have females in there but they would schedule to see ~~him~~ later that day or tomorrow.

9. At 12:00pm on 6/11/2020 C.O. Dolce came over the intercom in plaintiff's cell to inform him a doctor was on the pod (to see another inmate) and asked him would he like to speak to her. Plaintiff spoke to the doctor about blood sugar blood pressure and diabetic neuropathy/nerve pain. The doctor said She would schedule plaintiff to be seen for lab work blood testing.
10. Due to still not being seen, on 7/6/2020 plaintiff Filed an inmate grievance to address this issue (~~Exhibit A~~). While waiting response to his grievance plaintiff continued to submit sick call request. Plaintiff recieved response to grievance on 7/22/2020 which was deemed invalid (~~Exhibit B~~). That same day 7/22/20 plaintiff Filed an appeal to the invalid response to his grievance (~~Exhibit C~~). While waiting response to appeal inmate continued to submit sick call request.
11. On 8/19/2020 defendant Louis Del-Prete came to plaintiffs pod (4c) at the Allegheny County Jail to discuss his grievance and medical issues. Defendant took a inmate sick call request and wrote "For Louis" on it (~~Exhibit D~~) and told plaintiff if he's not seen by next Friday to submit this and it will go straight to him. Plaintiff submitted said sick call request on 8/30/2020 and Plaintiff submitted his own "For Louis" sick call request on 9/5/2020 (~~Exhibit E~~). Plaintiff was not seen for either request.
12. On 8/27/2020 Plaintiff recieved response to his grievance which was deemed valid by defendant Del-Prete (~~Exhibit F~~). Even though appeal was deemed valid plaintiff wrote a letter (~~Exhibit G~~) and grievance (~~Exhibit H~~) to the Allegheny County Prison Board (A inmates final administrative remedy) to ensure his medical needs were met. Plaintiff has not personally recieved a response from the Prison Board to date.

13. On 9/6/2020 (Exhibit I) and 9/20/2020 (Exhibit J) Plaintiff submitted inmate request slip to defendant Laura K. Williams to attempt to get the medical treatment he needed. Plaintiff received no reply from defendant Williams.
14. On 10/13/2020 Plaintiff was finally called to the clinic to have blood work done to check A1C's, because from the start of his pain plaintiff was explaining to the sick call nurses he has had glucose level problems in the past and may be diabetic. On 11/10/2020 Plaintiff spoke with a nurse practitioner on his pod (4c) and was informed that his lab results showed an A1C of 6.2%. Plaintiff was also informed he has Pre-Diabetes and would be prescribed metformin until december to see if it will help lower his A1C.
15. Plaintiff was also told his nerve pain in his feet is not a symptom of diabetes which he knows to be untrue from personal experience (his Father is diabetic) and the term is called Diabetic Neuropathy or Diabetic Nerve Pain (see <http://www.mayoclinic.org/diseases-conditions/diabetic-Neuropathy/basics/definition>).
16. Allegheny Health Network (Defendant) is responsible for the overall health care of every inmate at the Allegheny County Jail. Defendants Allegheny Health Network has actual or constructive knowledge of past transgressions of medical treatment of prisoners at the Allegheny County Jail. Defendant Allegheny Health Network's knowledge of the substantial and unreasonable risk to detainee and inmate safety stem from identified court orders, studies, lawsuits filed in district against defendants and court settlements.



17. For over Five months and still ongoing (plaintiff has yet to receive his metformin). Plaintiff has had to suffer pain in his feet, restless nights and psychological suffering from being in the dark and not knowing what for sure was wrong with him. It now hurts Plaintiff to stand for extended period of time.

#### V. EXHAUSTION OF ADMINISTRATIVE REMEDIES

18. Plaintiff Michael Ginyard Jr used the prison grievance system available at the Allegheny County Jail to try and solve this issue. On 7/6/2020 plaintiff presented the facts related to this complaint through grievance system. On 7/22/2020 plaintiff received response stating grievance was invalid. On 7/22/2020 plaintiff appealed the 7/6/2020 grievance and on 8/27/2020 plaintiff received response saying appeal was valid. Even though appeal was deemed valid Plaintiff wrote letter and grievance to the Allegheny County Prison Board which to date he has personally not received a reply.

#### VI. LEGAL CLAIMS

19. Plaintiff reallege and incorporate by reference paragraphs 1-18.
20. The deliberate indifference violated plaintiff Michael Ginyard Jr's rights and constituted cruel and unusual punishment under the Eighth Amendment and a due process violation under the Fourteenth Amendment to the United States Constitution.
21. Defendants: Louis DePrete, Laura K. Williams, and Allegheny Health Network established and or enforced a policy or custom that put the plaintiff's health care at a substantial risk. Namely in a consent order from Graham V. Allegheny County, 2020 U.S. Dist. LEXIS 95515 decided ~~April 7, 2020~~ <sup>May 27, 2020</sup> which states "Clinic Operations": In order  
1: "Clinic Service"

to reduce movement and communal settings for inmates from varying housing settings the clinic will be closed except necessary populations (e.g. pregnant females and radiology). Health care staff will be deployed to housing units to perform non-emergency health care request, provider visits, or assist in other locations of the facility that have critical staffing needs."<sup>1</sup>

22. This policy was not provided to inmates in any memos on the pod and certainly not expressed to plaintiff in his many sick call request (at least 15 from 6/4/2020 - 10/13/2020, lab test was done). Plaintiff's symptoms of diabetes were indeed a emergency health care request especially due to the fact his lab results show him to have Pre-Diabetes. Defendant's deliberate indifference to plaintiff's serious medical need violated his Eighth and Fourteenth Amendment rights under the United States Constitution causing him pain and suffering, physical injury, emotional and psychological distress. (Plaintiff was necessary population.)
23. Plaintiff Michael Ginyard Jr. has no plain, adequate or complete remedy at law to redress the wrongs described herein. Plaintiff has been and will continue to be irreparably injured by the conduct of defendants unless this Court grants the declaratory and injunctive relief which plaintiff seeks.

## VII. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully pray that this court enter judgment:

24. Granting Plaintiff Michael Ginyard Jr. a declaration that the acts and omissions described herein violate his rights under the Constitution and laws of the United States.

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<sup>1</sup> Medical Staff could have easily come to Plaintiff's Pod to perform blood test to send to lab.

25. A preliminary and permanent injunction ordering defendants Louis Del-Pret, Laura K. Williams, and Allegheny Health Network to establish and enforce a new sick call in which inmates with a serious medical need is seen by a actual doctor No later than 48hrs after submitting a sick call request, here at the Allegheny County Jail.
26. Compensatory damages in the amount of \$ 75,000 against each defendant, jointly and severally.
27. Punitive damages in the amount of \$ 25,000 against each defendant.
28. A Jury trial on all issues triable by Jury.
29. Plaintiff's cost in this suit.
30. Any additional relief this Court deems just, proper, and equitable.

### Verification

I have read the foregoing Complaint and hereby verify that the matters therein are true. I declare under penalty of perjury that the foregoing is true and correct.

11/13/2020 Michael Ginyard Jr. pro-se  
Respectfully submitted  
Michael Ginyard Jr. 128748  
Allegheny County Jail  
950 2nd Ave  
Pittsburgh, PA 15219